

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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St. Paul Motorsports, Inc.  
d/b/a St. Paul Harley-Davidson,

Court File No.: 11-CV-03229 PJS/TNL

Plaintiff,

v.

**STIPULATION TO HOLD CASE IN  
ABEYANCE**

Harley-Davidson Motor Company, Inc.  
d/b/a Harley-Davidson Motor Company,

Defendant.

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1. On November 10, 2011, Harley-Davidson Motor Company, Inc. (“HDMC”) moved the Court to Dismiss or Transfer Venue (“Dismissal Motion”) of this case. The Dismissal Motion was filed with the Court as Document No. 21. HDMC also filed a Memorandum of Law in Support of the Dismissal Motion, which filing is Document No. 23 on the Court’s docket.

2. St. Paul Motorsports, Inc. d/b/a St. Paul Harley-Davidson (“Plaintiff”) opposed the Dismissal Motion by filing a Memorandum of Law which appears as Document No. 31 on the Court’s docket.

3. The parties are attempting to negotiate an early resolution of their dispute and wish to avoid the unnecessary expenditure of time and resources of further litigation while that process occurs.

4. In light of the above, it is hereby stipulated by the parties, by their undersigned attorneys, that:

- (a) the Dismissal Motion shall be denied without prejudice;
- (b) HDMC shall be entitled to renew the Dismissal Motion, or bring a new dismissal motion, at any time on or after February 1, 2012. Plaintiff shall be entitled to file a memorandum in opposition to HDMC’s motion within 14 days after service of

notice of HDMC's motion and HDMC may file a reply brief within 7 days after service of Plaintiff's opposition.

- (c) Plaintiff may bring a motion seeking further injunctive relief enjoining HDMC's enforcement of its Non-Retail Sales Policy for PAM and its Third-Party Internet Sales Policy at any time on or after February 1, 2012. HDMC shall be entitled to file a memorandum, in opposition to Plaintiff's motion within 14 days after service of notice of Plaintiff's motion and Plaintiff may file a reply brief within 7 days after service of HDMC's opposition.
- (d) No further answer or other response to Plaintiff's Complaint shall be required to be served by HDMC until 11 days after decision on HDMC's motion to dismiss or transfer under subparagraph (b) of this section.
- (e) This case shall otherwise be held in abeyance until January 31, 2012, including but not limited to Rule 16 conferences.

Dated: November 23, 2011

s/ Liz Kramer

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Dated: November 23, 2011

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